

## Remarks

### I. Introduction

This is in response to the Office Action dated October 17, 2005. The Office Action rejected claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,477,363 (Ayoub). The Office Action also rejected claims 1, 10, 19 and 32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0169248 (Truesdale). The Office Action also rejected claims 7, 16, 27, and 38 under 35 U.S.C. §103(a) as being unpatentable over Ayoub in view of U.S. Patent No. 6,725,049 (Williams). The Office Action also rejected claims 30, 31, and 42 under 35 U.S.C. §103(a) as being unpatentable over Ayoub in view of U.S. Patent No. 6,054,928 (Lemelson).

In response, Applicants have amended claims 1, 5, 7-11, 14, 16-19, 22, 25, 27-29, and 32-41. Claims 1-42 remain for consideration.

### II. Rejections under 35 U.S.C. §102

Claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Ayoub. Claims 1, 10, 19 and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by Truesdale. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). Ayoub does not show each and every limitation of claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41. Further, Truesdale does not show each and every limitation of claims 1, 10, 19, and 32. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §102.

The present invention is generally directed to determining the location of a mobile communication device and then linking metadata representing the determined mobile communications device location to audio stream data. The metadata is extracted from the audio stream data and the location of the mobile communications device is presented at a communications terminal. In addition to

the mobile communications device location, the metadata also includes call related data such as calling/called party identification, trunk identification, call record identification, billing number identification, tracking identification, etc. which would support data searching, data mining, and/or data linking activities.

Ayoub is directed to a system and method for communicating the location of an emergency caller through a telephone network using a mobile telephone set having a location detection unit. The position data is translated into a stream of audio tones to be transmitted while the call connection is in progress. (Abstract).

Truesdale is directed to generating location information associated with an access device on a data network by the network and transmitted in-band on an emergency call to a Public Safety Answering Point (PSAP) to allow the PSAP operator to obtain the location of the caller for emergency services. The location information may be audible or may be generated in a form readable by a machine at the PSAP operator's station. (Abstract).

For the reasons discussed below, neither Ayoub nor Truesdale anticipate the presently claimed invention under the strict §102 standard as set forth above.

Independent claim 1, as amended, is directed to a mobile communications device having:

means for determining mobile communications device location; and  
means for linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call.

Ayoub, however, does not disclose means for linking metadata representing the determined mobile communications device location and call related data to audio stream data. Ayoub discloses a position of a mobile phone being translated into audio tones which are transmitted through the voice channel of the telephone call connection. (Col. 4, lines 20-23). Therefore, Ayoub does not specifically disclose linking metadata including the location **and call related**

**data** to audio stream data. Ayoub only discloses translating location data into audio tones and does not translate call related data.

The Office Action cites col. 3, lines 14-18 as disclosing the limitation in related dependent claim 9. Col. 3, lines 14-18 of Ayoub discloses that the location of a mobile telephone set is translated into a telephone number format. "Preferably, the telephone numbers are DIDs. ... As the DID number corresponds to a location, the emergency call can be routed to the responsible local emergency authority." (Col. 3, lines 13-17). Thus, Ayoub discloses that the DID number corresponds to a location and so no call related data is being sent **in addition to** the location information.

Truesdale also does not disclose this limitation. Truesdale instead discloses location information being generated and transmitted in-band on an emergency call to a PSAP. Truesdale does not, however, disclose generating call related data and linking location metadata and call related data to audio stream data.

Amended, independent claims 10, 19, and 32 claim a similar limitation. In particular, amended, independent claims 10, 19, and 32 claim the limitation of:

linking metadata representing the determined mobile communications device location and call related data to audio stream data.

For the reasons stated above, neither Ayoub nor Truesdale disclose the claimed limitation. Therefore, independent claims 1, 10, 19, and 32 are allowable over Ayoub and Truesdale. Allowance of the independent claims is requested. All remaining claims are dependent upon an allowable independent claim and are therefore also allowable. In addition, the dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.


Dependent claims 9, 18, 29, and 41 disclose the limitation that the call related data is selected from the group consisting of a call record, called/calling party, and billing information. Ayoub does not disclose call related data or call

related data being a call record, called/calling party, or billing information. Therefore, dependent claims 9, 18, 29, and 41 are allowable over Ayoub.

### III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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